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BAKER & DANIELS
205 W. JEFFERSON BOULEVARD
SUITE 250
SOUTH BEND, IN 46601

EXAMINER

TSUKERMAN, LARISA Z

ART UNIT PAPER NUMBER

2833

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13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/762,138

Applicant(s)

FLIEGER ET AL.

Examiner

Larisa Z Tsukerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- ☐ Interview Summary (PTO-413) Paper No(s). ____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 5 and 7- 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (4950183) in view of DE 3629740.

In regards to claim 1, Watanabe discloses a base spring 12, a box-like backup spring 10 having divided overlapped fourth wall (16,13) with a connecting lug 13B formed on one wall section 13 and a recess 17 formed on the other wall section 16; wall sections overlap over the full length of the backup spring.

Watanabe discloses a claimed invention substantially **except for two lugs**, which are bent. DE 3629740 shows **two bent lugs** 28, 29 inserted into corresponding **recesses** 30 (see Figs.1 and 6) to hold backup spring 6 closed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the structure of Watanabe so as to include two bent lugs of DE 3629740 in order to provide more steady and strong engagement between wall sections and maintain the box-like body 10 in a given shape.

In regards to claim 2, Watanabe, as modified by DE 3629740, discloses the connecting **lugs** 28, 29 are formed on the **lower** wall section and the **recesses** 30 are formed on the **upper** wall section (see Fig.6).

In regards to claim 3, one recess has a shape of an elongate hole (see Fig. 1 and 6).

In regards to claim 5, Watanabe, when modified by DE 3629740, disclose the connecting lugs, after being bent over, are supported on the wall having the recesses, as claimed (see Fig. 6).

In regards to claim 4, Watanabe, as modified by DE 3629740, disclose the invention substantially, as claimed, except for one recess is formed as U-shaped recess.

However, it would have obvious to modify/ (or matter of design choice to include) the structure of Watanabe by including the limitation mention above, since applicant has not disclosed that this limitation solves any stated problem or is for any particular purpose and it appears that the invention would performed equally well with a recess of a different shape - U or elongate hole.

In regards to claim 7, reference DE 3629740 also shows a locking hook 36 which is cut out, bent outwardly from the first wall, extends in the longitudinal direction of the backup spring and locks a backup spring 6 into the isolative housing (not shown, see Col.5, lines 2-7). It would have been obvious to one of ordinary skill in the art to modify the structure of Watanabe so as to include the structure (locking hook) of DE 3629740 in order to lock the backup spring into the housing.

In regards to claim 8, reference DE 3629740 also shows a crank 31 having the material thickness of the lower section (see Figs. 1 and 2) to provide smooth insertion of lugs 28,29 into recesses 30.

It would have been obvious to one of ordinary skill in the art to modify the structure of Watanabe so as to include the structure (crack) of DE 3629740 in order to facilitate insertion of lugs 28,29 into recesses 30.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (4950183) in view of DE 3629740, as applied to claim 1 above, and further in view of D'Urso (4934966). Watanabe disclose the invention substantially as claimed except for the upper wall has a crank with the material thickness of the lower wall section. However, D'Urso (4934966) shows a distended wall 14 to provide advantageously slight clearance between a receptacle portion 1,2 and complementary tab 11 in order to facilitate insertion. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the structure of Watanabe so as to include the structure (a distended wall portion) of D'Urso in order to facilitate insertion of base spring into a backup spring.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (4950183) in view of DE 3629740, as applied to claim 1 above, and further in view of Seko (EP0837529). Watanabe disclose the invention substantially as claimed except for notches on the upper side of the connecting lugs. However, Seko shows notches 62 on lugs 22 (see Fig.14) so as to fit tightly into recess 23 (see Col.7, lines 3-5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the structure (lugs) of Watanabe so as to include the structure (lugs with notches) of Seko in order to fit lugs tightly into recess.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (4950183) in view of DE 3629740, as applied to claim 1 above, and further in view of Myer (5624273). Watanabe discloses the invention substantially as claimed, except for a polarizing member is formed on the lower wall section. However, Myer shows a polarizing member 27 formed on the lower wall section and inserted into groove 68 to prevent a force tending to separate backup spring 20 from the housing. It would have been obvious to one of ordinary skill in the art to modify the structure of Watanabe so as to include the structure of (add a polarizing member) of Myer in order to prevent a force tending to separate backup spring from the housing.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (4950183) in view of DE 3629740 as applied to claim 1 above, and further in view of Egenolf (5246390). Watanabe discloses the invention substantially as claimed, except for folding legs are formed on the opposing walls of the backup spring being adapted to be bent inwardly and engaging in the corresponding openings on the base spring. Egenolf shows folding legs 77 and 79, and openings 82 to mount the backup spring 13 on the base spring 11(see Figs. 1 and 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the structure of Watanabe so as to include the structure of Egenolf (folding legs) in order to mount the backup spring on the base spring.

Claims 11 - 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakuta et al. (5775962) in view of German Patent (G92 01 047. 4).

In regards to claims 11-13, Kakuta disclose a base spring 4, a box-like backup spring 1 having divided overlapped fourth wall (7+7a, 7'+ 7a') with a connecting lug 7b being bent and formed on the lower wall section (7+7a), and a recess 9 being formed on the upper wall section (7'+7a') and has a shape of an elongate hole.

However, Kakuta lacks two lugs with complementary recesses in the front and rear portions of the wall. German Patent (G 92 01 047.4, Figs, 20 and 21) shows two connecting points (lugs 55 and 56 with complementary recesses 53 and 54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the structure of Kakuta so as to include connecting points (two lugs and recesses) in the front and rear portions of the wall, as taught by German Patent, in order to provide more steady and strong retaining means between wall sections.

In regards to claim 15, the connecting lugs, after being bent over, are supported on the wall having the recesses.

In regards to claim 14, Kakuta disclose the invention substantially as claimed except for one recess is formed as U-shaped recess. However, it would have obvious to modify/ (or matter of design choice to include) the structure of Kakuta by including the limitation mentioned above, since applicant has not disclosed that this limitation solves any stated problem or is for any particular purpose and it appears that the invention would performed equally well with a recess of a different shape other than the U - shaped.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kakuta et al. (5775962) and German Patent (G92 01 047. 4), as applied to claims 11-15 above,

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and further in view of Seko (EP0837529). Kakuta disclose the invention substantially as claimed except for notches on the upper side of the connecting lugs. Seko shows notches 62 on lugs 22 (see Fig.14) so as to fit tightly into recess 23 (see Col.7, lines 3-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the structure (lugs) of Kakuta so as to include the structure (lugs with notches) of Seko in order to fit lugs tightly into recess.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kakuta et al. (5775962) and German Patent (G92 01 047. 4), as applied to claim 11 above, and further in view of Buddrus et al.(4934965). Kakuta discloses the invention substantially as claimed except for a locking hook extending in the longitudinal direction of the backup spring is cut out and bent outwardly from the first wall. Buddrus shows a locking hook 57 (see Fig. 1) that locking a backup spring 50 into the housing (not shown, see Col.5, lines 33-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the structure of Kakuta so as to include the structure (locking hook) of Buddrus in order to lock the backup spring into the housing.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kakuta et al. (5775962) and German Patent (G92 01 047. 4), as applied to claims 11-15 above, and further in view of DE 3629740. Kakuta discloses the invention substantially as claimed except for a crank having the material thickness of the lower section. However, DE3629740 shows a crank 31 having the material thickness of the lower section (see Figs. 1 and 2) to provide smooth insertion of lugs 28,29 into recesses 30.

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Therefore, it would have been obvious to one of ordinary skill in the art to modify the structure of Kakuta so as to include the structure (crack) of DE 3629740 in order to facilitate insertion of lugs 28,29 into recesses 30.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kakuta et al. (5775962) and German Patent (G92 01 047. 4), as applied to claim 11 above, and further in view of Myer (5624273). Kakuta discloses the invention substantially as claimed, except for a polarizing member is formed on the lower wall section. Myer shows a polarizing member 29 formed on the lower wall section and inserted into groove 64 to control the contact when it is inserted into the housing. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the structure of Kakuta so as to include a polarizing member as taught by Myer in order to control/guide the contact when it is inserted into a connector housing.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kakuta et al. (5775962) and German Patent (G92 01 047. 4) as applied to claims 11-15 above, and further in view of Egenolf (5246390). Kakuta discloses the invention substantially as claimed, except for folding legs are formed on the opposing walls of the backup spring being adapted to be bent inwardly and engaging in the corresponding openings on the base spring. Egenolf shows folding legs 77 and 79, and openings 82 to mount the backup spring 13 on the base spring 11 (see Figs. 1 and 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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further modify the structure of Kakuta so as to include the structure of Egenolf (folding legs) in order to mount the backup spring on the base spring.

Response to Arguments

Applicant's arguments filed 12-23-02 have been fully considered but they are not persuasive.

In response to applicant's arguments on page 2, that Watanabe terminal is not a socket consisting of a backup spring and a base spring, Examiner disagrees. Examiner considers **a box-like rectangular sleeve-shaped portion 10 as a backup spring** and **a resilient contact piece 12** disposed in the electrically contacting portion 10 as **a base spring**. Examiner is aware that the terminal of Watanabe is stamped from a single sheet of material, but admitted that it ^{does} ~~is~~ not contradict~~s~~ to the claim 1.

In response to applicant's argument that there is no suggestion to combine the Watanabe et al. (4950183) and DE 3629740 references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, DE 3629740 only used to show a way to connect parts of the wall by including a second lug.

In response to applicant's that there is no backing up of these spring parts, it is appears that the claim does not recite the "backing up function".

In response to applicant's argument on page 3 regarding claims 11-13 and 15, that Kakuta terminal does not have a backup spring and a base spring, Examiner disagrees. Examiner considers **a box-like rectangular sleeve-shaped portion 1 as a backup spring** and **a resilient contact piece 4** disposed in the electrically contacting portion 1 **as a base spring**.

In response to applicant's arguments on page 3 that German '047 reference includes two lugs 55 and 56 that located on **the bottom** side of the backup spring but not on **the top** wall and there is no overlapping wall portions, Examiner disagrees. First of all, **a top** wall is not part of the claim; second, in this case the Examiner used German '047 reference only to show a way to connect parts of the wall by including two legs and applied it to already overlapped walls in Kakuta device.

In response to applicant's arguments regarding the rejection of claims 6, 8, 9, 10, 16, 17 and etc. and using Seko, Myer, Egenolf and etc. references, the Examiner only illustrated that claimed limitations are known in the Art.

Regarding claims 8 and 11, Examiner apologizes for the Seko reference and a base spring "11" because they were typographical errors, D'Urso (4934966) reference and a base spring "4" is correct.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larisa Z Tsukerman whose telephone number is (703)-308-6038. The examiner can normally be reached on Monday through Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A Bradley can be reached on 703-308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-308-7722 for regular communications and (703)-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.

L.T.
January 24, 2003


THO D. TA
PRIMARY EXAMINER